

MINUTES
TUESDAY JANUARY 7, 2025
REGULAR MEETING
6:00 P.M.

Colleton County Council
Council Chambers, Old Jail Building
109 Benson Street
Walterboro, SC 29488

Present: Sean Thornton, County Attorney called the meeting to order with Council Members Steven Murdaugh, Scott Biering, Bubba Trippe, Phillip Taylor and Johnny Frank in attendance.

Others Included: Meagan Utsey, Jon Carpenter, Barry McRoy, Carla Harvey, Laura Clark, Donna Lamb, Sandy Steele, Carl Coffin, David Irwin, Edisto Mayor Crawford Moore, Theodore Reed, Marion Barnes, Randy Ulmer, Johnny Ulmer, Ginger Sanders, Clint Goethe, Jacqueline Jenkins, Billy Stanley, Rusty Kinard, Russ Kinard, Micah McIntire, Felicia Johnson, Perry Bumgarner, Aretha Huggins, Jessica Williams, Edward Williams, Clareace Wiggins, Felicia Harley, Audrey Henderson, Theodore Henderson, Janis Blocker, Ulyseese Robinson, Ricky Holmes, Lynn Stroble, Mary Jo Fox.

Councilman Phillip Taylor gave the invocation and led the Pledge of Allegiance.

Election of Council Chairman & Vice Chairman

Mr. Thornton stated at this time we will accept nominations from Council on who the Chairman should be.

Councilman Trippe made a motion to nominate Councilman Biering; with no other nomination being heard the motion was carried unanimously.

Mr. Thornton stated at this time we will accept nominations from Council on who the Vice-Chairman should be.

Councilman Frank made a motion to nominate Councilman Trippe; with no other nomination being heard the motion was carried unanimously.

Mr. Thornton turns gavel and meeting back over to Chairman Biering.

Chairman Biering express that it was an honor to be at the meeting, selected as Chairman.

Post-Election Actions:

A. Chairman's Appointment of Standing Committees

Councilman Biering announced the Chairmans Appointment of Standing Committees and they were as follow:

Administrative Committee

Councilman Scott Biering (Chairman)
Councilman Steve Murdaugh
Councilman Bubba Trippe

Capital Projects Committee

Councilman Phillip Taylor (Chairman)
Councilman Steve Murdaugh
Councilman Johnny Frank

Finance Committee

Councilman Steve Murdaugh (Chairman)
Councilman Bubba Trippe
Councilman Phillip Taylor

Planning and Development Committee

Councilman Johnny Frank (Chairman)
Councilman Scott Biering
Councilman Steve Murdaugh

Public Health and Safety Committee

Councilman Bubba Trippe (Chairman)
Councilman Scott Biering
Councilman Phillip Taylor

B. Chairman's Designation of Three Members of Council to LCAA Board

Serving on the LCAA Board currently are Councilman Taylor, Councilman Steve Murdaugh and Councilman Bubba Trippe. All Councilmen agreed to stay on the LCAA Board.

C. Election of Three Members of Council to LCOG

Serving on the LCOG Board currently are Councilman Taylor and Chairman Biering. New elect would need to be appointed to replace Dr. Flowers' position. Councilman Murdaugh nominated Councilman Frank to serve on the LCOG Board. Councilman Taylor seconded the motion. The motion was carried unanimously.

Not on the agenda was Southern Carolina Alliance appointees and Airport Commission.

Serving on the SCA Board are Councilman Murdaugh with a term set to expire in 2 years. A new elect would need to be appointed to replace Dr. Flowers' position. Councilman Murdaugh also advised that Lee Petrolawicz would like to stay on the Board as the designee. Councilman Trippe made a motion to appoint Councilman Biering in Dr. Flowers' position, and to keep Lee Petrolawicz on as designee. Councilman Murdaugh seconded the motion. The motion was carried unanimously.

Councilman Murdaugh informed Councilman Biering that he would now be part of the Airport Commission due to being the newly elected Chairman. Councilman Murdaugh advised that he would inform the committee of the changes, and the next meeting would be Thursday, January 9, 2025.

Approval of Minutes

a) Regular Meeting, December 3, 2024

Councilman Murdaugh moved to approve the minutes of the Regular Meeting held on December 3, 2024. The motion was seconded by Councilman Trippe and the motion carried unanimously.

b) Special Meeting, December 17, 2024

Councilman Frank moved to approve the minutes of the Special Meeting held on December 17, 2024. The motion was seconded by Councilman Trippe and the motion carried unanimously.

Awards and Recognitions

No awards or recognition.

Appearances & Public Presentations

a) 2024 Audit Report – David Irwin, CPA - Mauldin & Jenkins, LLC

David Irwin presented to the Councilmen the independent auditors report, compliance reports and financial statements for the 2024 year. Some of the key points that David Irwin touch on were the following:

- I. Financial Report contains two (2) Compliance Reports:
 - a. Single Audit Report: Compliance audit, Required > \$750k in federal expenditures, Unmodified (Clean) Opinion
 - b. Yellow Book Report: Report on County's Internal Controls and Compliance, Not Intended to Provide an Opinion, No Material Weaknesses or Significant Deficiencies, Noted During Our Audit.
- II. Colleton County was awarded ACFR Certificate for the 11th year in a row.
- III. Government Wide Financial Statements:
 - a. \$149.9 Million = total assets and deferred outflows
 - b. \$67.6 Million = capital assets, net of A/D
 - c. \$108 Million = total liabilities and deferred inflows
 - d. \$41.8 Million = net position (or equity)
 - e. \$69.4 million = revenues (\$70.5M in FY23)
 - f. \$72.6 million = expenses (\$67.3M in FY23)
 - g. Decrease in Net Position of \$3.2M vs \$3.2M increase in FY23
- IV. Importance of Maintaining a Strong Fund Balance:
 - a. Cash flow through beginning of next fiscal year

- b. Significant emergencies and unanticipated expenditures (i.e. weather-related costs)
- c. Flexibility for discretionary funding needs
- d. Potential for better interest rates on debt issues
- e. Important in uncertain economic times

Councilmen thanked David Irwin for the taking the time to present. Councilmen thanked Jon Carpenter and his staff in Finance for all their hard work for the County, and praised his team for being one of the strongest Finance department among some of the neighboring counties around Colleton.

b) NAACP Education and Community Concerns - Edward Williams, President

Mr. Williams spoke to Council on the following education and community concerns:

- i. Shortage of teachers and shortage of bus drivers in our county
- ii. The need for extra funding for the teachers
- iii. Not having the funds to prepare the students for industries coming to Colleton County.
- iv. 27 school districts in the state of South Carolina can have Fiscal Autonomy (Act 388 of the SC legislative). This allows school districts the power to decide how to spend their resources. Asked for Council to consider this for Colleton County. Colleton County School district is one of 25 schools that currently do not follow Fiscal Autonomy.
- v. Carter School will take away funds from the school district (appx \$16,827.00).

Copy of the Full Memorandum Concerning Fiscal Autonomy that Mr. Williams presented will be available upon request.

Councilmen thanked Mr. Edward Williams for presenting.

c) Colleton County School District, Superintendent Jessica Williams

Superintendent Mrs. Jessica Williams presented to Council the Robotics Program along with some of the students that currently participate in the program. Colleton County is the only school district that has a robotic program at elementary, middle and high school levels. The robotics journey started approximately 12 years ago in 2013. Mrs. Jessica Williams turned the presentation over to Mr. Edward Williams due to him being head of the Robotics Program. The students have received several state competition awards throughout the years. The students spoke on different projects they had completed, been a part of and the impacts the robotics program have had on their learning.

Council thanked Mrs. Jessica Williams and Mr. Edward Williams for sharing. Council also spoke to the students on how amazing of job they did and how proud they are, and the work they are doing is amazing. Councilman Murdaugh expressed it takes true courage to stand up and speak to a group of people.

Administrator's Briefing

Interim County Administrator Meagan Utsey welcomed Councilman Frank and announced the retirement of the Colleton County Assessor Bucky McCormick after forty-eight years, six months and three days.

Public Hearing

Councilman Taylor made a motion to open Public Hearing. Councilman Trippe seconded the motion, and the motion carried unanimously.

- A. Ordinance 24-O-10, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as Amended, the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement, By and Between Colleton County, South Carolina and Project Canadys Solar LLC, as Sponsor, and One or More Sponsor Affiliates, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits for the Benefit of a Project in the County; to Further Amend the Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina and Hampton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Colleton County as Part of the Park; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Project Canadys Solar LLC, Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Related Matters**

Councilman Biering asked if anyone present would like to address Ordinance 24-O-10. Edward Williams asked Council to explain what Fee-In-Lieu stood for, Councilman Murdaugh explained that South Carolina laws allow certain industries to come in and the County can negotiate with those industries to provide incentive. Some of the ways the County can do this is instead of coming in and being assessed and taxed a certain way, the County can enter into an agreement with the company, and they pay a fee in lieu of property tax. Under the SC State Statute this allows lower developed areas to qualify for State incentives that other counties may not be able to qualify for, and then those counties can come together and form a joint county industrial park. This is a very effective tool across the state.

- B. Ordinance 24-O-16, To Establish Chapter 2.77 – Community Center Boards Generally of the Colleton County Code of Laws**

Councilman Biering asked if anyone present would like to address Ordinance 24-O-16. Councilman Murdaugh moved that there be more specific provisions added to 2.77.030

Powers of the Board and 2.77.080 Funding and Expenditures. Councilman Biering also moved to have a meeting to meet with community board members to go over the Code of Laws. No other comments were heard.

Councilman Murdaugh made a motion to close Public Hearing. Councilman Taylor seconded the motion, and the motion carried unanimously.

Old Business

- A. 3rd Reading Ordinance 24-O-10, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as Amended, the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement, By and Between Colleton County, South Carolina and Project Canadys Solar LLC, as Sponsor, and One or More Sponsor Affiliates, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits for the Benefit of a Project in the County; to Further Amend the Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina and Hampton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Colleton County as Part of the Park; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Project Canadys Solar LLC, Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Related Matters**

Councilman Trippe moved to approve 3rd Reading Ordinance 24-O-10, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as Amended, the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement, By and Between Colleton County, South Carolina and Project Canadys Solar LLC, as Sponsor, and One or More Sponsor Affiliates, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits for the Benefit of a Project in the County; to Further Amend the Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina and Hampton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Colleton County as Part of the Park; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Project Canadys Solar LLC, Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Related Matters. The motion was seconded by Councilman Murdaugh. The motion was carried unanimously.

- B. 2nd Reading Ordinance 24-O-18, To Authorize the Rezoning of a 22.20 Acre Parcel Located on Green Pond Hwy, Identified as T.M.S. No. 195-00-00-068, from Urban Development – 1 (UD-1) to Industrial (ID)..**

Councilman Murdaugh moved to approve 2nd Reading Ordinance 24-O-18, To Authorize the Rezoning of a 22.20 Acre Parcel Located on Green Pond Hwy, Identified as T.M.S. No. 195-00-00-068, from Urban Development – 1 (UD-1) to Industrial (ID). The motion was seconded by Councilman Taylor. The motion was carried unanimously.

New Business

A. Resolution 25-R-01, To Declare February as Black History Month in Colleton County

Councilman Frank moved to approve Resolution 25-R-01, To Declare February as Black History Month in Colleton County. The motion was seconded by Councilman Taylor. The motion was carried unanimously.

B. Resolution 25-R-02, To Award the Contract for Architectural Services for the Cottageville Library to Johnson, Laschober & Associates, PC

Councilman Murdaugh moved to approve Resolution 25-R-02, To Award the Contract for Architectural Services for the Cottageville Library to Johnson, Laschober & Associates, PC. The motion was seconded by Councilman Taylor. The motion was carried unanimously.

C. Resolution 25-R-03, To Award the Contract for Architectural Services for the Colleton County Recreational Center Pool and Gym Expansion to Johnson, Laschober & Associates, PC

Councilman Murdaugh moved to discuss Resolution 25-R-03, To Award the Contract for Architectural Services for the Colleton County Recreational Center Pool and Gym Expansion to Johnson, Laschober & Associates, PC. The motion was seconded by Councilman Taylor. Discussion was had by Council, Councilman Murdaugh then withdrew his request for discussion. Councilman Trippe made a motion that Resolution 25-R-03, To Award the Contract for Architectural Services for the Colleton County Recreational Center Pool and Gym Expansion to Johnson, Laschober & Associates, PC be tabled. The motion to table was seconded by Councilman Frank. The motion was carried unanimously.

D. Resolution 25-R-04, To Authorize Acceptance and Budgeting of Funds for a Grant for FY25

Councilman Murdaugh moved to approve Resolution 25-R-04, To Authorize Acceptance and Budgeting of Funds for a Grant for FY25. The motion was seconded by Councilman Taylor. The motion was carried unanimously.

E. Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road.

Councilman Biering moved to table Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road until after public comments. Councilman Frank approved the motion and Councilman Trippe seconded. After public comments Councilman Murdaugh moved to bring it back to the table. The motion was seconded by Councilman Trippe.

Councilman Franks moved to approve Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road. There was not a second, and motion failed.

F. Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.

Councilman Biering moved to table Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road until after public comments. Councilman Frank approved the motion and Councilman Trippe seconded. After public comments Councilman Murdaugh moved to bring it back to the table. The motion was seconded by Councilman Trippe.

There was no motion for approval for Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
Resolution failed.

G. Resolution 25-R-07, To Authorize the Council Clerk to Advertise for Board Vacancies.

Councilman Trippe moved to approve Resolution 25-R-07, To Authorize the Council Clerk to Advertise for Board Vacancies. The motion was seconded by Councilman Murdaugh. The motion was carried unanimously.

H. Resolution 25-R-08, To Appoint Members to Board Vacancies.

Councilman Murdaugh made a motion to approve the following by acclamation and was seconded by Councilman Frank; Colleton County Land Use Zoning Board of Appeals: Douglas Mixson Jr and Colleton County Lowcountry Council of Government(minority): Evon Robinson.

Items for Information and Public Record

Councilman Biering advised that there were no items for information and public record on the agenda.

Public Comments (3 minutes per person/max time 20 min.)

Councilman Biering opened the floor for the public to speak on their concerns:

- a. Marian Barnes spoke on being opposed to Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road and Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
- b. Randy Ulmer spoke on being opposed to Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road and

- Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
- c. Johnny Ulmer spoke on being opposed to Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road and Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
 - d. Ginger Sanders spoke on behalf of her daughter-in law, on being opposed to Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road.
 - e. Clint Goethe spoke on being opposed to Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road and Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
 - f. Jacqueline Jenkins spoke on drainage and flooding issues in the Del Ray Community.
 - g. Billy Stanley spoke on being opposed to Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road and Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
 - h. Rusty Kinard spoke on being opposed to Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road and Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
 - i. Russ Kinard spoke on being opposed to Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road and Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
 - j. Micah McIntire asked Council for an update on the rock yard coming to the Red Bank Community.
 - k. Felicia Johnson stressed to the Council for streetlights, speed limit signs and caution lights on River St. and she also asked about finding a solution to the water laying in the ditches in the neighborhood. She was thankful that the club on River St was shut down.
 - l. Perry Bumgarner spoke on being in favor of Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
 - m. Aretha Huggins spoke to Council and the public to try to find common ground on all the issues that were brought up in todays meeting.

Council Time

- a. Councilman Murdaugh discussed abandonment maintenance of roads and legal ownership, and rightful ownership can amount to two different things. Also, if the roads in the above resolutions are being used by the public then the County needs to maintain the roads.
- b. Councilman Taylor addressed the issue with lights and speed limits on Rivers Street in Walterboro. Advising that there are 7 lights and 35 mph and 45 mph

- speed limit signs. Councilman Taylor also stressed that the flooding on Del Ray and Gadson Loop is a huge issue that needs to be addressed and fixed.
- c. Councilman Murdaugh spoke to Mrs. Jessica Williams and Mr. Edward Williams and agree that the Council should be working more with the school district. Councilman Murdaugh also advised that the school district has improved across the board. Councilman Biering, Councilman Taylor, Councilman Trippe, and Councilman Franks echoed what Councilman Murdaugh stated with working and supporting the school district.
 - d. Councilman Biering stated that he supports the school district from all aspects. Councilman Biering also addressed the flooding and agreed that it is a problem that needs to find a solution. Also, that the County needs to try to facilitate a solution to Bachman Road.

Executive Session

Councilman Murdaugh made a motion to move to Executive Session to discuss the following: Personnel - Contractual and Economic Development Update. Councilman Taylor seconded the motion, and the motion carried unanimously.

Councilman Murdaugh made a motion to exit Executive Session. Councilman Taylor seconded the motion, and the motion carried unanimously.

Councilman Taylor moved at approve the amendment to employment agreement for Interim County Administrator. Councilman Trippe seconded the motion, and motion carried unanimously.

Adjournment

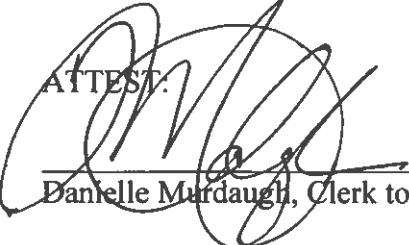
Councilman Trippe moved to adjourn the meeting. Councilman Frank seconded the motion, and the motion carried unanimously.

The full County Council meeting is available here to view the Councils discussion of a specific topic or to watch the complete meeting:

https://www.youtube.com/live/IZDGaAic8GI?si=IAq8huc1iSP_0DR5

This 7th day of January 2025.

ATTEST:



Danielle Murdaugh, Clerk to Council



Scott Biering, Chairman